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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,650	04/19/2000	Paul Bucknell	PHB 34,339	2839

7590 07/31/2002

Corporate Patent Counsel
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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,650

Applicant(s)

BUCKNELL ET AL.

Examiner

Eugene Yun

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2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 5. 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show labels indicating what the reference numbers are pertaining to in figs. 2 and 3 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by British Telecommunications (BT) (EP 0825791).

Referring to Claim 1, BT teaches a method of operating a radio system comprising first 1 (fig. 1) and second terminals 10 (fig. 1), the method comprising configuring/reconfiguring one of said first and second terminals by a process of service negotiation with the other one of said first and second terminals (see first paragraph of ABSTRACT).

Referring to Claim 2, BT teaches a method of operating a radio system comprising first 1 (fig. 1) and second terminals 10 (fig. 1), the method comprising one of said first and second terminals transmitting message giving parameters relating to its capabilities (see col. 5, lines 18-20), and the other of the first and second terminals receiving the message and configuring/reconfiguring itself in accordance with the received parameters (see col. 5, lines 49-53).

Referring to Claim 3, BT also teaches one of the first and second terminals initiating the configuring/reconfiguring operation transmits the required function plus software required in building a new function into an actual implementation on the other of said first and second terminals (see col. 6, lines 1-4).

Referring to Claim 4, BT also teaches testing the air interface to ensure that configuration/reconfiguration has taken place without error (see col. 6, lines 49-53).

Referring to Claim 5, BT teaches a communications system comprising first 1 (fig. 1) and second terminals 10 (fig. 1) which are able to communicate with each other, wherein at least one of the first and second terminals has means for configuring/reconfiguring itself by a process of service negotiation (see first paragraph of ABSTRACT).

Referring to Claim 6, BT teaches a communications system comprising first 1 (fig. 1) and second terminals 10 (fig. 1) which are able to communicate with each other, wherein at least one of the first and second terminals has means for configuring/reconfiguring itself (see col. 5, lines 49-53) in response to the receipt of a message transmitted by said other of the first and second terminals giving parameters relating to its capabilities (see col. 5, lines 18-20).

Referring to Claim 7, BT also teaches said first and second terminals as radio terminals (see col. 4, lines 27-30).

Referring to Claim 8, BT also teaches said first and second terminals each having a software interface (see col. 2, lines 7-21) including a memory and means for altering the memory (see col. 2, lines 27-29), in that at least a portion of the area of the memory has a part allocated to respective software functions and in that the memory altering means replaces the area of a respective part in response to a new function being downloaded (see col. 5, lines 53-58).

Referring to Claim 9, BT teaches a terminal for use in a communication system in which one terminal 10 (fig. 1) can configure/reconfigure another terminal 1 (fig. 1) by service negotiation, the terminal comprising a transceiver 3 (fig. 1), a memory for storing software functions 7 (fig. 1), and a processor for controlling the operation of the terminal in accordance with stored software functions (see col. 3, line 8), at least one of the software functions being alterable in response to the receipt of a message containing the new software function plus interface software required by the processor in building a new function into an actual implementation on the terminal (see col. 5, lines 53-58).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Eugene Yun
Examiner
Art Unit 2683

EY
July 24, 2002


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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